

**TOWN OF ERIE
BOARD OF TRUSTEES REGULAR MEETING 1
Tuesday, August 26, 2014
6:30 p.m.
Board Room, Erie Town Hall, 645 Holbrook, Erie, CO 80516**

I. CALL MEETING TO ORDER

Mayor Harris called the August 26, 2014 Regular Meeting of the Board of Trustees to order at 6:32 p.m.

II. PLEDGE OF ALLEGIANCE AND ROLL CALL

Roll Call: Trustee Carroll –absent/excused
 Mayor Pro Tem Gruber – present
 Trustee Charles – present
 Trustee Moore – present
 Trustee Woog – present
 Trustee Schutt - present
 Mayor Harris – present

III. APPROVAL OF THE AGENDA

Action: Trustee Schutt moved to amend the Consent Agenda by moving Item h. Resolution 14-98 to Resolutions; the motion was seconded by Trustee Moore. The motion carried with all voting in favor thereof.

IV. CONSENT AGENDA

Action: Mayor Pro Tem Gruber moved to approve the August 26, 2014 Consent Agenda; the motion was seconded by Trustee Schutt. The motion carried with the following Roll Call vote:

Mayor Pro Tem Gruber – Yes
Trustee Charles – Yes
Trustee Moore – Yes
Trustee Woog – Yes
Trustee Schutt - Yes
Mayor Harris – Yes

V. PUBLIC COMMENT

James Briars, 635 Moffat Street, spoke in regards to Eminent Domain.

VI. PROCLAMATIONS AND PRESENTATIONS

- a. **Certificate of Appreciation to Kailer Johns for Serenity Garden Eagle Scout Project at Mount Pleasant Cemetery.**

Mayor Tina Harris, read a Proclamation in honor of Kailer Johns for the recent completion of his Eagle Scout project of designing and installing a serenity garden at Mount Pleasant Cemetery. This attractive and sustainable garden is a valuable addition and will be enjoyed by all who visit the Cemetery.

VII. RESOLUTIONS

- a. **Resolution 14-85; A Resolution of the Town of Erie, Colorado Awarding a Contract to GMP Construction for the Public Safety Facility.**

Gary Behlen, Director of Public Works, presented staff recommendations for the approval of Resolution 14-85. Staff has been working with the owner's representative, architects, and Fransen-Pittman. There is a Guaranteed Maximum Price of \$1.525 million with regards to the site work. Joni Fournier, Consillium Partners and John Pittman, Fransen-Pittman also spoke in regards to moving forward with the project.

Action: Mayor Pro Tem Gruber moved to approve Resolution 14-85; the motion was seconded by

Trustee Charles. The motion carried with the following Roll Call vote:

**Mayor Pro Tem Gruber – yes
Trustee Charles – yes
Trustee Moore – yes
Trustee Woog – yes
Trustee Schutt - yes
Mayor Harris – yes**

- b. **Resolution 14-100; A Resolution Authorizing the Town of Erie, Colorado, to Enter into a Purchase and Sale Agreement for the Purchase of Real Property from the Mary Jane Strieby Revocable Trust.**

A.J. Krieger, Town Administrator, presented staff recommendations for the approval of Resolution 14-100. This is a contract to purchase 8.8 acres of property known as the Strieby property immediately north of Erie Lake to be used as a combination of both open space and future water storage. The contract amount is \$800,000.

Action: Mayor Pro Tem Gruber moved to approve Resolution 14-100; the motion was seconded by Trustee Charles.

Action: Mayor Pro Tem Gruber moved to make the following amendment to the Resolution; which was seconded by Trustee Charles. "The Town's water fund shall reimburse the Trails & Natural Area fund for the Schofield & Strieby properties acreage used for reservoir purposes at a date no later than the conclusion of reservoir expansion construction. If these Trails and Natural funds are

required for additional acquisition prior to this time, and the water fund cannot make a timely reimbursement, then the general fund shall make the appropriate loan."

Action: Mayor Harris called for a verbal vote of the Board regarding the amendment to Resolution 14-100 proposed by Mayor Pro Tem Gruber. All members of the Board were in favor with the exception of Trustee Moore, who voted no.

Action: Mayor Harris called for a Roll Call Vote on Resolution 14-100 which carried with the following vote:

Mayor Pro Tem Gruber – yes
Trustee Charles – yes
Trustee Moore – no
Trustee Woog – yes
Trustee Schutt - yes
Mayor Harris – yes

- c. **Resolution 14-98; A Resolution of the Town of Erie, Colorado, Consenting to Erie Farm Metropolitan District's Use of the Power of Eminent Domain in Accordance with the Terms of the Erie Farm Metropolitan District Amended and Restated Service Plan.**

A.J. Krieger, Town Administrator, stated that the Erie Farm Metropolitan District is seeking the Town's consent which is required by the Model Service Plan to pursue the purchase of property that will be used for Vista Parkway extension right-of-way through eminent domain. Staff recommends approval of this Resolution.

Action: Trustee Woog moved to table Resolution 14-98 for 2 weeks and direct staff to set up a meeting between the parties involved. The motion was seconded by Trustee Moore.

Action: Trustee Woog withdrew his original motion and moved to continue Resolution 14-98 to the next meeting. The motion was seconded by Trustee Moore.

Because the motion was made to continue before the introduction of the original motion, Attorney Mark Shapiro made a recommendation that the motion on the floor be reversed.

Action: Trustee Charles made a motion to approve Resolution 14-98. The motion was seconded by Mayor Pro Tem Gruber.

Action: Mayor Harris recognized that Trustee Woog made a motion to continue Resolution 14-98 and that the motion was seconded. Discussions may continue.

Action: Mayor Harris called for a verbal vote of those in favor of continuing Resolution 14-98 for 2 more weeks. The motion failed with a 4 – 2 vote; Trustees Woog and Moore were in favor of continuing.

Action: Mayor Pro Tem Gruber moved to approve Resolution 14-98. The motion was seconded by Trustee Charles. The motion carried with a 5 – 1 vote; with Trustee Woog voting no.

VIII. ORDINANCES

a. Ordinance 30-2014; An Ordinance of the Town of Erie, Colorado, Approving the Transfer of Certain Real Property to the Erie Housing Authority; And Declaring An Emergency.

Steve Felten, Director of Finance, presented the second reading of Ordinance 30-2014 regarding the transfer of the underlying property and surrounding property at Erie Housing Authority, from the Town to the Erie Housing Authority which will facilitate the refinancing of the mortgage currently with Great Western Bank. Staff recommends the passing and approval of this Ordinance.

Action: Trustee Schutt moved to approve Ordinance 30-2014; the motion was seconded by Trustee Charles. The motion carried with all voting in favor thereof.

IX. STAFF REPORTS

Nothing to report.

Action: The Board would like staff to prepare an amendment to the Model Service Plan stating from Board "Consent" to Board "Notice" as mentioned during the discussion regarding Resolution 14-98.

X. BOARD OF TRUSTEES REPORTS & APPOINTMENTS

Mayor Pro Tem Gruber – Had a question for staff regarding the historic gate at the cemetery and its possible reinstallation. Was in attendance at the EEDC's Broker Open and it wasn't well attended. He is concerned about the focus that's being taken given the direction that at budget time was given to the organization. He doesn't believe spending money on broker information sessions is as valuable as getting out into the United States either at trade meetings or trade organization gatherings and talking to primary employers. At budget time, he would like to have a serious discussion the representatives of EEDC about how our investment is being spent.

Action: Mayor Pro Tem Gruber made a motion to direct staff to bring forth a Resolution changing the Town setback for new oil and gas wells to residential lots and non-residential buildings to 500 feet to comply with State rules governing the same. The motion was seconded by Trustee Moore.

Action: Mayor Pro Tem Gruber withdrew his motion as did Trustee Moore as suggested.

Trustee Woog – Commended Farrell Buller for the excellent job on the ECC as he's received a lot of positive feedback. He also wanted to state to the citizens that he has not been a "slow or no growther." As a Trustee, he has voted for all growth so far and he doesn't feel that voting no, on what he did tonight, will slow things down for us. He thinks we're doing fine in the residential department. There are times when he will be watching for the growth of government when he feels it's unnecessary so there have been some "no" votes at times; that is him looking out for the citizens and representing them to the best of his ability; he will continue to do that and has a very good understanding that we need the incoming money from homes and sales tax.

Trustee Schutt – Nothing to report.

Trustee Moore – Nothing to report.

Trustee Charles – Updates on Historic Preservation Advisory Board – they had guest presenters from History Colorado. They gained some great knowledge on the capabilities and possibilities of the Historic Preservation Advisory Board. There is an opening on the Historic Preservation Advisory Board and 1 application has been received. Ad Hoc Committee for the Downtown Art Project is looking to have a representative from the Board, which will also consist of members from the Historic Preservation Advisory Board, Chamber of Commerce, and A.C.E. As Trustee Charles is interested, the members of the Board agreed that he would be a great representative for this project. Reminder, Erie Biscuit Days event is coming soon. Please check the Town's website for more information.

Mayor Harris – Congratulations to Trustee Carroll (formerly Trustee Kramer) who is on her honeymoon. Mayor Harris stated that all the Boulder County Mayors are participating in the ALS Ice Bucket Challenge tomorrow and Trustee Woog had challenged all the members of the Board of Trustees. The Boulder County Commissioners have invited the Board to attend and it will take place in Lafayette.

XI. ADJOURNMENT

Action: Trustee Moore moved to adjourn the August 26, 2014 Regular Meeting of the Board of Trustees; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all voting in favor thereof.

Action: Mayor Harris adjourned the August 26, 2014 Regular Meeting of the Town of Erie Board of Trustees at 8:33 p.m.

Respectfully Submitted,



Melinda Helmer, Deputy Town Clerk



Tina Harris, Mayor